



February 10, 2009

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## HOUSE BILL No. 1123

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DIGEST OF HB 1123 (Updated February 4, 2009 1:29 pm - DI 96)

**Citations Affected:** IC 8-23; IC 9-21.

**Synopsis:** Various traffic matters. Requires that, after June 30, 2011, there must be: (1) a sign or in certain circumstances, a speed limit sign beacon, at or as near as practical to the point where a school zone begins, indicating the reduced speed limit for the school zone; and (2) a sign at the end of the school zone indicating the end of the school zone. Requires the department of transportation to install a traffic signal at an intersection in the immediate vicinity of certain schools and private colleges and universities under certain circumstances. Requires the Indiana department of transportation to illuminate the intersection of U.S. 40 and State Road 3 in Henry County and fund the costs of the illumination. Makes technical corrections.

**Effective:** July 1, 2009.

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**Cherry, Austin, Smith M**

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January 12, 2009, read first time and referred to Committee on Roads and Transportation.  
February 9, 2009, amended, reported — Do Pass.

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HB 1123—LS 7157/DI 96+



February 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1123

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-22-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Except as**  
3 **provided in subsection (b)**, the department may illuminate dangerous  
4 curves and intersections and heavily traveled sections of the highways,  
5 including bridges, in the state highway system. The illumination shall  
6 be accomplished according to nationally recognized engineering  
7 standards.

8 **(b) The department shall illuminate the intersection of U.S.**  
9 **Highway 40 and State Road 3 in Henry County.**

10 SECTION 2. IC 8-23-22-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) Except as**  
12 **provided in subsection (b)**, the department shall enter into an  
13 agreement for the sharing of the utility costs of illumination with cities,  
14 towns, and counties when a highway is located in part within a city,  
15 town, or county before the installation of lights, except when the state  
16 elects to totally fund the illumination. The cost of the installation of  
17 lights may be paid by the state and cities, towns, and counties in

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1 accordance with the agreement entered into before installation.

2 **(b) The department shall fund totally the illumination of the**  
 3 **intersection of U.S. Highway 40 and State Road 3 in Henry County,**  
 4 **as required under section 1 of this chapter.**

5 SECTION 3. IC 9-21-3-6 IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Except as provided in  
 7 subsection (b), a public or private agency may not erect ~~a~~ **an official**  
 8 traffic control device on a state maintained highway without the written  
 9 permission of the Indiana department of transportation.

10 (b) This subsection applies to the installation of traffic signals on a  
 11 state highway in a city or town. The Indiana department of  
 12 transportation shall:

13 (1) install any **traffic** signal that meets the standards,  
 14 specifications, and warrants set forth in the Indiana Manual on  
 15 Uniform Traffic Control Devices for Streets and Highways or ~~(2)~~  
 16 grant written permission to a city or town to erect the **traffic**  
 17 signal if it is not possible for the state immediately to install the  
 18 **traffic** signal; or

19 **(2) install a traffic signal at an intersection at a location**  
 20 **indicated in a petition to the Indiana department of**  
 21 **transportation from a private college or university accredited**  
 22 **by a recognized regional accrediting agency or a school**  
 23 **corporation if:**

24 **(A) the proposed installation does not meet the standards,**  
 25 **specifications, and warrants set forth in the Indiana**  
 26 **Manual on Uniform Traffic Control Devices for Streets**  
 27 **and Highways;**

28 **(B) the location is in the immediate vicinity of the private**  
 29 **college or university or a school within the school**  
 30 **corporation; and**

31 **(C) the private college or university or the school**  
 32 **corporation agrees to pay the costs of the installation of the**  
 33 **traffic signal.**

34 SECTION 4. IC 9-21-5-6, AS AMENDED BY P.L.169-2006,  
 35 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2009]: Sec. 6. (a) Except as provided in ~~subsection~~  
 37 **subsections (e) and (f)**, whenever a local authority in the authority's  
 38 jurisdiction determines that the maximum speed permitted under this  
 39 chapter is greater or less than reasonable and safe under the conditions  
 40 found to exist on a highway or part of a highway, the local authority  
 41 may determine and declare a reasonable and safe maximum limit on  
 42 the highway. The maximum limit declared under this section may do

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any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) **Except as provided in subsection (f)**, a local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed. **After June 30, 2011, there must be:**

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- 1 (A) a sign, or a sign beacon as provided in subdivision (5),  
 2 located:  
 3 (i) where the reduced speed zone begins; or  
 4 (ii) as near as practical to the point where the reduced  
 5 speed zone begins;  
 6 indicating the reduced speed limit; and  
 7 (B) a sign located at the end of the reduced speed zone  
 8 indicating the end of the reduced speed zone.  
 9 (5) The speed zone remains in effect during the school day and  
 10 at any time before or after the school day and a speed limit  
 11 sign beacon having a "When Flashing" legend is used to  
 12 identify the periods during which the school speed limit is in  
 13 effect.  
 14 ~~(5)~~ (6) The Indiana department of transportation has been notified  
 15 of the limit imposed by certified mail.  
 16 (e) A local authority may decrease a limit on a street to not less than  
 17 fifteen (15) miles per hour if the following conditions exist:  
 18 (1) The street is located within a park or playground established  
 19 under IC 36-10.  
 20 (2) The:  
 21 (A) board established under IC 36-10-3;  
 22 (B) board established under IC 36-10-4; or  
 23 (C) park authority established under IC 36-10-5;  
 24 requests the local authority to decrease the limit.  
 25 (3) The speed zone is properly signed.  
 26 (f) A city, town, or county may establish speed limits on a street  
 27 or highway upon which a school is located if the street or highway  
 28 is under the jurisdiction of the city, town, or county, respectively.  
 29 However, a speed limit established under this subsection is valid  
 30 only if the following conditions exist:  
 31 (1) The limit is not less than:  
 32 (A) twenty (20) miles per hour within an urban district;  
 33 and  
 34 (B) thirty (30) miles per hour outside an urban district.  
 35 (2) The limit is imposed only in the immediate vicinity of the  
 36 school.  
 37 (3) Children are present.  
 38 (4) The speed zone is properly signed. After June 30, 2011,  
 39 there must be:  
 40 (A) a sign, or a sign beacon as provided in subdivision (5),  
 41 located:  
 42 (i) where the reduced speed zone begins; or

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1           (ii) as near as practical to the point where the reduced  
2           speed zone begins;  
3           indicating the reduced speed limit; and  
4           (B) a sign located at the end of the reduced speed zone  
5           indicating the end of the reduced speed zone.  
6       (5) The speed zone remains in effect during the school day and  
7       at any time before or after the school day and a speed limit  
8       sign beacon having a "When Flashing" legend is used to  
9       identify the periods during which the school speed limit is in  
10      effect.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-23-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Except as provided in subsection (b),** the department may illuminate dangerous curves and intersections and heavily traveled sections of the highways, including bridges, in the state highway system. The illumination shall be accomplished according to nationally recognized engineering standards.

**(b) The department shall illuminate the intersection of U.S. Highway 40 and State Road 3 in Henry County.**

SECTION 2. IC 8-23-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a) Except as provided in subsection (b),** the department shall enter into an agreement for the sharing of the utility costs of illumination with cities, towns, and counties when a highway is located in part within a city, town, or county before the installation of lights, except when the state elects to totally fund the illumination. The cost of the installation of lights may be paid by the state and cities, towns, and counties in accordance with the agreement entered into before installation.

**(b) The department shall fund totally the illumination of the intersection of U.S. Highway 40 and State Road 3 in Henry County, as required under section 1 of this chapter.**

SECTION 3. IC 9-21-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Except as provided in subsection (b), a public or private agency may not erect ~~a~~ **an official** traffic control device on a state maintained highway without the written permission of the Indiana department of transportation.

(b) This subsection applies to the installation of traffic signals on a state highway in a city or town. The Indiana department of transportation shall:

- (1) install any **traffic** signal that meets the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways or ~~(2)~~ grant written permission to a city or town to erect the **traffic** signal if it is not possible for the state immediately to install the **traffic** signal; or

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(2) install a traffic signal at an intersection at a location indicated in a petition to the Indiana department of transportation from a private college or university accredited by a recognized regional accrediting agency or a school corporation if:

(A) the proposed installation does not meet the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways;

(B) the location is in the immediate vicinity of the private college or university or a school within the school corporation; and

(C) the private college or university or the school corporation agrees to pay the costs of the installation of the traffic signal."

Page 2, line 35, after "sign" insert ", or a sign beacon as provided in subdivision (5),".

Page 2, line 41, delete "indicating;" and insert "indicating".

Page 2, delete line 42.

Page 3, delete line 1.

Page 3, line 2, delete "(ii)".

Page 2, run in line 41 through page 3, line 2.

Page 3, between lines 2 and 3, begin a new line block indented and insert:

**"(5) The speed zone remains in effect during the school day and at any time before or after the school day and a speed limit sign beacon having a "When Flashing" legend is used to identify the periods during which the school speed limit is in effect."**

Page 3, line 3, strike "(5)" and insert "(6)".

Page 3, line 29, after "sign" insert ", or a sign beacon as provided in subdivision (5),".

Page 3, line 35, delete "indicating;" and insert "indicating".

Page 3, delete lines 36 through 37.

Page 3, line 38, delete "(ii)".

Page 3, run in lines 35 through 38.

Page 3, after line 38, begin a new line block indented and insert:

**"(5) The speed zone remains in effect during the school day and at any time before or after the school day and a speed limit sign beacon having a "When Flashing" legend is used to**

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**identify the periods during which the school speed limit is in effect."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1123 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 12, nays 0.

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